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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/677,004	10/01/2003	Christina Hsu	200208014-1	7237

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HEWLETT PACKARD COMPANY
P O BOX 272400, 3404 E. HARMONY ROAD
INTELLECTUAL PROPERTY ADMINISTRATION
FORT COLLINS, CO 80527-2400

EXAMINER
DAO, THUY CHAN

ART UNIT	PAPER NUMBER
2192	

NOTIFICATION DATE	DELIVERY MODE
06/19/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

JERRY.SHORMA@HP.COM
mkraft@hp.com
ipa.mail@hp.com

	Application No.	Applicant(s)
Advisory Action ***Before the Filing of an Appeal Brief***	*10/677,004*	HSU ET AL.
	Examiner	**Art Unit**	
	Thuy Dao	2192	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED <u>02 June 2008</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

   a) ☐ The period for reply expires _____months from the mailing date of the final rejection.

   b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

      Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

<u>NOTICE OF APPEAL</u>

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

<u>AMENDMENTS</u>

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because

   (a)☐ They raise new issues that would require further consideration and/or search (see NOTE below);

   (b)☐ They raise the issue of new matter (see NOTE below);

   (c)☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d)☐ They present additional claims without canceling a corresponding number of finally rejected claims.

      NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: _____.

   Claim(s) objected to: _____.

   Claim(s) rejected: *1-24*.

   Claim(s) withdrawn from consideration: _____.

<u>AFFIDAVIT OR OTHER EVIDENCE</u>

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

<u>REQUEST FOR RECONSIDERATION/OTHER</u>

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: <u>See Continuation Sheet.</u>

12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____

13. ☐ Other: _____.

  /Tuan Q. Dam/
  Supervisory Patent Examiner, Art Unit 2192

Continuation of 11. does NOT place the application in condition for allowance because:

1) Objection to the Claims (Remarks, pp. 7-10):
In the previous Office action mailed March 28, 2008, pp. 2-3, the newly added limitations "a cached configuration file that originated from a backend data store" was objected to because the originally filed disclosure seems not to have full support for said newly added limitations.

In the instant response, the Applicants provided explanation and pointed out support. However, they are not persuasive.

As acknowledged by the Applicants (Remarks, page 8, last line), "…Each properties file (or configuration file) may be loaded into the configurator's mapper object…".
This acknowledgment and further explanation (pp. 9-10) merely directed to "properties file (or configuration file) may be loaded", but not "a cached configuration file that originated from a backend data store" may be loaded as claimed (e.g., claim 1, lines 6-8; claim 22, lines 7-9).

Although the Applicants mentioned "the mapper object", "singleton" (page 9) and "the object cache manage 114" (page 10), all the above components merely directed to cached "configuration information" and/or "the configurator stores the configuration information for subsequent access" (configuration information has been cached, as recited in claim 1, lines 8-9; claim 22, lines 9-10).

That is to say, the originally filed disclosure merely discloses caching configuration information in "a singleton object" - see paragraph [0037], "the mapper is a singleton object" - see paragraph [0041], index 6, but not disclose "loads configuration information … from a cached configuration file that originated from a backend data store" as recited in claim 1, lines 6-8 and claim 22, lines 7-9.

2) Claims Rejections under 35 USC section 101 (Remarks, pp. 10-18):
As previously indicated in Office action, pages 3-5,
"As set forth in the previous Office action mailed September 12, 2007, January 26, 2007 and August 7, 2006, claims 1-7 and 15-21 are rejected because the claimed invention is directed to non-statutory subject matter. They amount to Functional Descriptive Material: "Data Structures" representing descriptive material per se or "Computer Programs" representing computer listings per se" (totally four Office actions including the one mailed March 28, 2008).

As a constructive proposal, the examiner further proposed:
"Under the principles of compact prosecution, claims 1-7 and 15-21 have been examined as the Examiner anticipates the claims will be amended to obviate these 35 USC § 101 issues. For example (for proposal only), - -A system stored on a machine readable medium for creating web applications, ...- - as similarly recited in independent claim 22 (lines 2 and 6)".

Accordingly, the examiner respectfully maintains the 35 USC section 101 rejection over claims 1-7 and 15-21.

3) Claims Rejections under 35 USC section 102:

a) Features Omitted from Independent Claims 1, 8, 15, and 22 (Remarks, pp. 18-24):
The limitations "a configurator that loads configuration information for use by the controller from a cached configuration file that originated from a backend data store" (claim 1, lines 6-8).

As an initial matter, the examiner notes that Applicants' arguments did not direct to the applied text portions/figures.

As set forth in the Office action, pp. 5-6, Hutsch explicitly teaches:
    "a configurator that loads configuration information for use by the controller from a cached configuration file" (e.g., [0239], FIG. 8, Configuration Service 336 having configuration information, [0156];
        loading and storing configuration information in user/application profiles, [0310]-[0318]; user/application profiles as XML files, [0321]-[0323]);

    "that originated from a backend data store" (e.g., FIG. 15, Configuration Back End Databases 337, [0326];
        Cache 1560 for caching configuration data originated from the Configuration Back End Databases 337, [0346-0356]); FIG. 8, block 336).

b) Dependent Claims 2, 9, and 16 (Remarks, pp. 25-26):
The examiner respectfully disagrees with Applicants' assertions. In paragraph [0029], the actions performed by the XML decision tree include user device properties and resource properties, which determine the fonts, display parameters on user device ([0185], configuring text properties to be associated with display capabilities of particular devices).

c) Dependent Claims 3, 10, and 17 (Remarks, pp. 26--29):
The limitations "store the configuration information as a singleton object".
As acknowledged by the Applicants "a singleton object .... is kept in memory unit accessed again" (i.e., cached in memory).

Paragraph [0239] explicitly teaches device properties have been cached "for easy access";   and
paragraphs [0327]-[0329] further teach caching configuration data in a DOM tree 1570 in cache 1560 as a cached object (a singleton object).

In conclusion, the examiner respectfully maintains ground of 35 USC sections 102 and 103 rejections over claims 1-24.

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